

Docket No. 000298C1

Serial No. 09/892,365

REMARKS/ARGUMENTS

Claims 1 – 10 are pending in this application.

Claims 1 – 2 and 4 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman (US Patent No. 6,449,477) in view of Shyy (US Patent No. 6,178,334). Claims 3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman in view of Shyy as applied to claims 1 – 2 and 4 – 5 above and further in view of Bassirat (US Patent No. 6,088,003). The Applicant respectfully traverses the present rejections.

Weissman teaches: "Main slave transceivers 26 down-convert their respective RF signals to a main IF signal and transfer the main IF signal via splitter/combiner 39 to a combiner 27. Similarly, diversity slave transceivers 28 down-convert their respective RF signals to a diversity IF signal and transfer the diversity IF signal via splitter/combiner 43 and a delay 24 to combiner 27. Combiner 27 combines the main and diversity IF signals and transfers the combined IF signal to a master transceiver 22 which up-converts the combined IF signal to a recovered RF signal. The recovered RF signal, and/or information within the signal, is then transferred by one or more cables 47 or over-the-air to BTS 12." (col. 7, lines 44-55, and FIG. 1) (emphasis added)

In summary of Weissman, Weissman appears to teach that a combiner 27 combines the main and diversity IF signals to produce a combined IF signal, which is up converted by a master transceiver 22 to a recovered RF signal, which, in turn, is transferred to the BTS 12.

By contrast, the present invention, as claimed before the present amendment, claimed transferring separate signals to a BTS.

Therefore, Weissman's combined signal transferred to a BTS is not the same as the claimed separate signals transferred to a BTS.

As mentioned in the Applicant's response dated April 8, 2004, as stated in MPEP Section 2143.01, to properly combine teachings of different references, there must be some suggestion or motivation to combine the teachings. The Applicant submits that the combination of Weissman and Shyy is improper because Weissman does not teach the

Docket No. 000298C1

Serial No. 09/892,365

invention as claimed, before the present amendment, as noted above. It appears that the Examiner is not trying to combine the teachings of Weissman and Shyy, but rather change the teachings of Weissman to accommodate the teachings of Shyy. In other words, it is improper for the Examiner to change or ignore Weissman's teachings of transferring an up converted and recovered combined signal to the BTS to accommodate Shyy's general teachings of transferring signals from cells to a BTS, without some suggestion or motivation from one or both of the references to do so.

In particular, the Applicant traverses the Examiner's rejection of claim 6 as "corresponding apparatus claim of method claim 1." Claim 6 claimed, before the present amendment, claimed "first and second master units" which generate and separately transfer first and second master signals to the BTS. Neither Weissman nor Shyy teaches the "first and second master units," as claimed in claim 6. Further, Shyy does not teach or suggest the "first and second plurality of slave units."

By contrast, Weissman teaches a single master unit 22 that up converts the combined IF signal to a recovered RF signal, which, in turn, is transferred to the BTS 12. Hence, Weissman's single master unit and its corresponding function is not the same as the "first and second master units," as claimed in claim 6. Therefore, the Applicant submits that it is improper, for example, for the Examiner to ignore the limitations of the "first and second master units," as claimed in claim 6, to imagine that Weissman's master unit includes two master sub-units, or to imagine that Weissman has two master units.

Nevertheless, the Applicant presently amends independent claims 1 and 6 to improve the clarity of the claims 1 and 6. Support for the present amendment may be found in the present specification, for example, on page 12, line 3 to page 13, line 21, and in FIG. 1. The Applicant submits that Weissman alone or in combination with Shyy does not teach or suggest the limitations in independent claims 1 and 6, before the present amendment. However, the Examiner may appreciate the improved clarity of presently amended independent claims 1 and 6, as allowable, when considered in light of the teachings of Weissman alone or in combination with Shyy.

The Applicants also amends dependent claims 3, 4, 5, 8, 9, and 10 to provide for

Docket No. 000298C1

Serial No. 09/892,365

proper antecedent basis.

No new matter has been entered by any of the present amendments.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

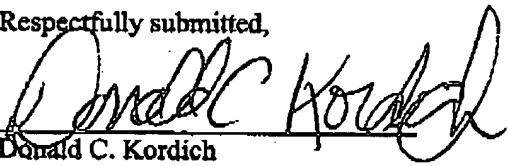
Dated:

8/25/2005

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Respectfully submitted,

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